WD2239.B490.

App F IX 4]

192 .

File No. 47
1925

Previous References. ( )

Serial Nos. Misc/52

Misc 57. 72

Later references.

Misc 15-27-1-3

GENERAL & REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Civil Suit proposed to be filed by Lakshmanaraya Chetty, Agent. in the matter of the Succession to Sri Bhimanakatte mat

GENERAL AND REVENUE SECRETARIAT.

(Inwards)

NOTES.

File No. 4

FILE HEADING.

Civil Suit re The Succession to Sri Bhuvanakotte Mutt in the Tirthahalli Taluk.

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

G. R. S. III—3]

Mur 7 -147—25

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

D. no 184. Petition from
Jy 7.) K. Lakshmi Narayanacher
of Bhuvanakotte in the
Tirthahalli Taluk praying
for a re-consideration of
the G.O approving of the
nomination of Ved Brahmasri
to the Head Ship of Sri
Bhuvanakotte matt.

1. Rec. Secretary's order on
the petition:— Submit
to members with papers.

2. The connected files
are submitted.

3. The petr K. L. Narayanacher Balakrishna
is the father of the
beneficiary under the
will said to have been
executed by the late Sri
Raghubirsana Tirtha Swamy
of Sri Bhuvanakotte
matt.

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

W D 1880—GPh—1 50 000 2 5 21

G. R. S. III—3]

Mu 2:-7

25

ROUTINE NOTES.

[To be used only for notes, requisitions, etc, not intended for permanent record.]

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4 As some orders no. 1348 – Mus. 59-22 dd 14. 3. 25 under the gracious orders of H. H. the Maharaja, the claim of Balakrishna to succeed to the vacant Headship of Bhimanakatte mutt, was rejected and the rights of Bhandara Bhandarakere mutt to nominate a successor to this mutt, was recognized 5 The Review-applications of K. L. Narayanachar for a re-consideration of the above orders, were rejected in orders nos. 1595 and 94 dd 4th May 1925 and 18th July 1925.

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

In Pet. no. 109-G of 1925, under the gracious orders of H. H. the Maharaja, the nomination of Ved. Bodhacharya to the Headship of Bhimanakatte Mutt made by the Swamiji of Sri Bhandarkere Mutt, was approved.

V.

Lakshmi Narayanachar has put in another Review petition praying that in a reconsideration of the foregoing order his son's claims to Headship of Sri Bhimanakatte Mutt may be recognized. A stay order is also prayed for.

There are no grounds for a reconsideration of the previous order in the subject.

Submitted. The Pet. may be filed.

A. B.—Should routine notes be written on small slips, the notes must be copied, on slips pasted on this form

W D 1480 PT—1 50 6/25 J.J.

G. R. S. III—3]

Misc. Pf-147 — ROUTINE NOTES.

[To be used only for notes, requisitions, etc, not intended for permanent record.]

If the reasons had been raised to him stating that the Orders already issued in the matter cannot be modified.

SA
10/8/25

10/8/25

He says that he is going to file a suit for a declaratory decree in his own favour, and pending the settlement of the dispute a stay order should be issued. He is not precluded from taking the file suit; if he obtains a stay order, he must get an injunction from the Court. But so far as the Govt are concerned the orders passed are final. He may be informed accordingly.

N.B. Should routine notes be written on small slips, the notes must be copied on slips pasted on this form

I agree with the statement of the Secretary

10/8/25

21/8/25 Member

10/8/25

Submitted for orders approved

12/8

12/8/25

656 of 25

G.R.S. III—3]

Dec 7-11-25

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

538

G

Notice dated 3rd August 25
from Mr. T. Venkatasubba
Sastry, B.A.L.L.B on behalf
of his client Mr. K. Ashwath
Narayanachar, Guardian,
of his minor son ch Balakrishna
Shastri stating that a suit
would be filed against
Govt. for declaration of
certain rights &c in
connection with the Management
of a Precessor to the Peetah
of Shimoga Matha from the
Inam Enam enfranchisement
to Varad Mutt Register
(No. 54)
Also Govt. not to
[illegible] to the Private [illegible] pending the
decision of the Civil Court

for perusal

NB Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

for perusal
9.8.25

Order
for perusal
& return
9.8.25
Further to take action
10/8

J.R.S. III—3]

Routine Notes.

GEN. 13 AUG 1925 MUZRAI

B No. 205

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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intimated. The notice has been recorded in the L.M Branch. This may, if approved, be sent to the Muzrai Branch for putting up the papers connected with the case

yes.

To the Muzrai Branch)

16

The connected files are Endorsements and orders solicited.

17 A Off. ends rejecting the review application of K. N. Achaca & Endorsements as directed.

18 The Protection Branch wants the cond. papers in Cons. with the notice of suit against Govt.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Received from Mr. T. Venkatasubba Sastry B.A.B.L. advocate. Are the files be sent here?

13/8/25

Muzrai Secretariat | Muz. File No. 47 of 192 5

Serial No.

19 Draft Govt Order. After issue 2 the file will be sent to the Prohn Branch

13.8.25

407/13.8 (Ist member)

20 Draft endorsement is approved by the Govt.

21 After issue the file may be submitted to me for my orders in respect of the notes & draft proceedings

15.8.25.

3 To. K. Lakshminarayanachar Endt No 209 Dt 17.8.25

Re: his request stating that the order passed in final already cannot be modified

Form of Govt Order

Govt Order - Submitted for orders as indicated in para 2 above

17.8.25

18.8.25

533/18.8 (Ist member)

NOTE—Contn. sheet

WD 0561—GPB—3750—1-8 22

Se retariat | Muz. File No. 4 of 1925

Serial No.

23

NOTE—Contn sheet

WD 0561-GPB—3750—1 8 22

G. R. S. III. 2]

Muzrai Secretariat	Muz. File No. 7 of 1925

Serial No.

7/5

I am of opinion that no reply at this stage is necessary to be given to the notice & that the Govt. might well defend their action in a Court of Law.

1/25/18.

685/24.8

No further action necessary now. The file may be consigned to the record.

24/8

24/8

Made over to the Rector. 25/8

Noted and transferred to Mazg Dr.

27/8

26/8

31.8.18.

Section Mem

File No. 47-25

Serial No. 8

Diary No of letter replied to

No. 209

General and Revenue Secretariat

( )

, the *192*

To

Date of issue 17-8-25

Signed by [illegible]

Endorsement granted to K. Lakshminarayanacha of Bhimanakatte in the Sirsi Taluk, with ref. to his petition regd no. 184 of 6th August 1925 praying for a re-consideration of G.O. no. 109-11/Mis.7.59-22 dy 21st July 1925 approving of the nomination of V.S. Bodhacharya to the Head Ship of Sri Bhimana katte in said Taluk, as [illegible] over for a stay of proceedings till the dispute is settled in due course of law.

List of enclosures

Copied by

Examined by

The petn is informed that orders already issued in the matter are final and cannot be modified or stayed. His review petition is accordingly rejected.

By order

13/8/25

(Sd.) Rev. Secretary.

13/8/25

Copy to the Asst. Comr. for info.

(Sd.) 13/8/25

for Rev. Secretary.

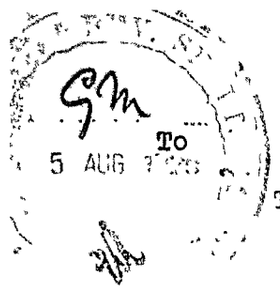
13/8/25

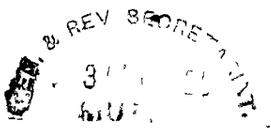
2104 17-8-25

SUBBA SASTRI, B.A., LL.B.
ADVOCATE

Shimoga, 3rd August 1925.

Gm 538
R No 25





D. No. 205

The Chief Secretary
to the Government of Mysore,
BANGALORE.

Under Section 80 of the Code of Civil Procedure.

Sir,

My client Mr. A. Lakshminarayana Char son of Gopala Char resident of Bhimanakatte, Tirthahalli Taluk who is the next friend and guardian of his minor son Ch. Balakrishna has instructed me to issue this notice to you, as required by law, on behalf of his minor son.

1. Sri Bhimasetu Munivrenda Math or as is commonly known Sri Bhimanakatte Math is an ancient Madhwa Math situated in Mulibagilu Grama, Tirthahalli Taluk. It is an important Math which formed the Sansthanam of Sri Achyuta Prekshita Acharya who was the predecessor of Sri Madhvacharya.

2. The late Guru Sri Raghubhushana Tirtha Srinadangalavaru, who was the last occupant of the Peetha breathed his last at Satti in Athni Taluk where he was touring, on 9-7-1922.

3. Previous to that on 30-6-22 seeing that his end was approaching with

with the best interests of the Math at heart he nominated as his successor, Ch. Balakrishna abovenamed who was then only about - 13 years old, and has recorded it in his last will which was registered there.

4. This appointment and nomination was done in the presence of his permanent Manager Hayagriva Char and the other leading - gentlemen of the place - merchants, Lawyers, Sowcars etc.

5. The physical act of ordaining the boy could not be done as the end was fast approaching and the boy was not present there,- and the will expressly makes mention that this act of mere ordainment is the only act left to the Dandva ath Swami of Bhandaraheri Math, to do and that the latter has no right to interfere in the affairs of the Math in any other matter.

6. After the death of the last occupant, applications were sent to the Government and also to His Highness the Sharela of Sandoor for the recognition of the new nominee and for orders - being passed according to Law.

7. The matter was sent for enquiry to the Deputy Commissioner, Shimoga and this afforded opportunity for futile objections being filed by the Swamiye Math Swami of Bhandaraheri Math.

8. The enquiry was protracted and ultimately the Deputy Commissioner forwarded a report favourable to my client and this was supported by law, evidence, personal observation and the opinion

of learned Pandits.

9. My client was examined by Pandits who were nominated by both parties and was declared fit and suitable, and the personal opinions of two Deputy Commissioners - the late Mr. Aravamudu Iyengar who was for a long time connected with the Inamdar Department and Mr. A.K. Syed Taj Peeran support his eligibility, and his right to succeed to the Peetha as the nominee of the late Swami.

10. The Inamdar Commissioner (the Revenue Commissioner) also has decided in favour of my client.

11. The appeal which was preferred by the opponent Bhandarsheri Math has been disposed of against my client on a point which was res-judicata - not having been raised before in the lower Court where it ought to have been made a subject of attack nor at the time of arguments there - viz., that the nominee is not a Bala Brahma Chari.

12. Further the usage and Shastras regarding Bala Brahmacheri, as pertaining amongst the Jain Math- is clearly against the interpretation put upon it.

13. The evidence given by the Swamis of Udipi Pejhe and their learned Pandit Madhvacharya Padmanabhacharya in Madras High Court O.S.P. 1079/1917 Vishwesha Tirtha Swami Vs Raghubhushana Tirtha Swami clearly establish that Bala Brahma Chari is a person who

is

is from his childhood a celibate and not married.

14. Further many of the Swamis of Udiri Math have all been ordained after they were 16 years old, and the previous Bhandarekere Swami had been ordained when he was 19 or 20 years old and the present opponent himself when he was past 16 years.

15. Thus the objection of the opponent is not tenable and he has no right to raise such objections either, as his own position is not legally sound if the opinion in Government Order is the true interpretation to be put and Government cannot handicap and penalise my client for the ~~extra~~ delay occasioned by the time taken up in the disposal of the case before them.

16. It is customary ~~throughout~~ for the Maths in South India and in our State for the Swamis to nominate their successors by oral or written wills.

17. The action of the Government is illegal in placing the power of nomination and ordination in the hands of the Bhandarekere Swami for the above reasons.

18. The Bhandarekere Swami is not the proper person to exercise the said power for the additional reason:-

> he is heavily involved and indebted to the Swami of Admar Math who is in possession of all the properties belonging to the Bhandarekere Swami including the deities of daily worship and he is getting only monthly maintenance.

ii. The Admar Swami and the late Bhimanakatte Swami were enemically disposed

iii. The Admar Swami has been backing up the Bhandarekere Swami for his own personal ends as is evidenced by

(a) his visit to Athni to influence my client's witnesses

(b) by sending his agent to Venkoba Charya to Bangalore to conduct the case to its finality.

(c) by the sale deeds taken in the names of his subordinates and dependents from the guardians of the candidate selected recently by the Bhandarekere Swami and by other acts taking place latterly.

19. My client thus brings to your notice that the welfare of the Math is now not in the mind of the Bhandarekere Swami and the Government are helping the doing of an injustice by giving their illegal support to the opponent.

20. My client has therefore decided to file a suit against the Government and the Swami of the Bhandarekere Math.

a. For a declaration that there is no right left for the Bhandarekere Math to exercise the alleged Dharmic right of nomination and ordination.

b. That the nomination of a successor made by the late Swami Sri Raghubhushana Tirtha Sri Padmanabharu on 20-6-1929 at Athni as is evidenced by the will is valid, and binding.

c. That the said candidate Ch. Balakrishna is the person entitled for being ordained to the Peetha of Bhimanakatte Math.

(d) That any orders that might have been passed by the Government in this matter may be illegal, null and void and the respondents may be ordered above.

(e) And for an injunction restraining the respondents from interfering with the appointment of applicant or other temple officials and from in any way interfering with the temple.

(f) And for an injunction restraining the respondents from in any way interfering with the ordination other than the ordination of any official appointed by the Board of Trustees of Bhimeswara Temple or such other person as may be agreeable to the applicant and such other relief as may be just.

Please take notice that if within two months this matter is not rectified a suit will be filed on the above grounds.

I beg to remain,

Sir,

Your obedient servant,

T. Gulla Nasabhnsastri

Advocate

R-AUC-925
Muzrai
D. No. 184

To

The Dewan Saheb

to the Government of Mysore,

BANGALORE.

K.Lakshminarayana Achar,
Acting as next-friend
of Ch.Balakrishna, minor,
resident of Bhimanakatte,
Tirthahalli Taluq. | Petitioner.

The petitioner begs respectfully to state as follows:-

1. That Sri Bheemasetu Munivrunda Mutt or as is commonly known Bheemanakatte Mutt is an ancient religious institution held in high esteem by Madhwas and was founded in about the 13th Century.

2. That it formed the Samsthanam of Sri Achyuta Prekshita Char who was earlier than - Sri Madhwa Acharya.

3. That the late Swami of Bhimanakatte Mutt nominated as his successor Balakrishna, the minor son of the petitioner.

4. That his nomination was approved of and recognition of the same was recommended - both by the Deputy Commissioner and the Muzrai Commissioner, after considering the objections raised by the Bhandarakere Swami.

5. That the Government upset the order on a point which was not raised by the opponent in his statement, -that the nominee was a not a Bala Brahmachari-, meaning thereby that he was not under 16. This is altogether a mistake as is explained later.

6. That the Government had no material before them to give the above construction to the word "Balabrahma Chari.

7. That it will be evident from the statements made on oath by the Swamis of Udipi Madhwa Mutts and Pandit Padmanabha Charya in C.M.P.No. 1679 of 1917, Visvendra Tirtha Swami Vs. Raghubhushana Tirtha Swami, an authoritative decision of the Madras High Court, -"That Bala Brahmachari is a person who is from his childhood a celibate and not married and that there is no age limit.

8. A perusal of these affidavits will - show that many of these Swamies including the contesting Bhandarakere Swami were all ordained long after their 16th year.

9. The objections are not tenable and the Swami of the Bheemanakere is not legally entitled to exercise his right of objection.

10. That in view of the order passed, the petitioner has sought the only remedy available to him of filing a suit to get a declaration of his right and has taken the preliminary step of issuing a notice as required by law.

11. The opponent getting knowledge of it has been working in hot haste to ordain his - candidate to-morrow.

12. That Government had sent the name of this candidate, viz., the opponent to the - Sishyas of the Mutt to ascertain their views, in observance of the rules set by the Government - for its guidance.

13. That the Sishyas have unanimously - stated before the Amildar of Thirthahalli that they are not in favour of the candidate Bodha Char being selected.

14. That Government have,the petitioner learns, approved of the ordination of the said candidate in spite of the disapproval by the - Sishyas.

15. That the Bhandarakere Swami has been issuing invitations and hurrying up proceedings in hot haste. The ceremonies commence to-morrow and continue for three days.

16. The following are among the important objections for the ordination now:-

(a) this is not the time for any Swami to stir out from his residence, - this being "Chaturmasyam", so the opponent if he is really observing his Dharma cannot stir out and come to Tirthahalli for this purpose;

(b)

(b) this is not the proper season or time for the ordination of a New - Sanyasi;

(c) that the candidate being an - adopted boy cannot be a fit person to receive "Sanyasa";

(d) that the candidate has not been properly educated for receiving the - "Ashrama"; and

(e) all the Sishyas are against having him as their Guru.

17. That the Peetha having been vacant - from 9-7-1922, there is no reason for the great haste other than complicating matters for the - claim of the petitioner's son being enforced.

18. That Government in allowing matters to be rushed through are helping illegal and - irreligious acts on the part of the opponent, much to the prejudice of this ancient institution and the rightful claimants thereto. All this is against the welfare of the Mutt and its - Sishyas.

19. That the opponent Mutt is only an - instrument in the hands of the Swami of Admar Mutt who is working in the back-ground to have his revenge.

20. That the father of the candidate and the grand-father have after orders of Government were in their favour conveyed their proper-

-ties

properties to the Admar Mutt under deeds benami in the name of one Ballala who is a follower and dependent of the Admar Swami in April 1925. ~~Copies of the same are filed herewith.~~

21. That the opponent Swami has mortgaged with possession all his properties including the ordinary dieties of Daily Worship to the Admar Swami and is receiving monthly maintenance. One of the uncles of the opponent's nominee has applied for insolvency. Another uncle of his was prosecuted for forgery. This shows that the Mutt will be made use of for their private gain.

22. That the Admar Swami himself went to - Attur to see if he could win support and he also sent his Agent Venkobacharya to Bangalore to win his cause.

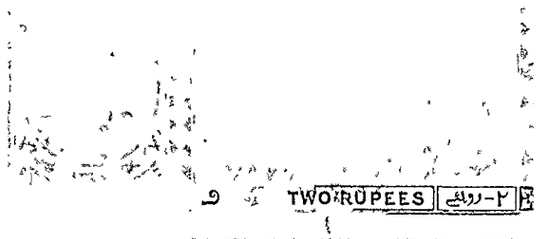
23. The petitioner respectfully submits - that if the opponent's nominee is appointed Swami the Sishyas will refuse to recognize the Mutt and the Mutt will fail to do the useful acts which it is meant to do.

24. That the petitioner is submitting a special memorial to His Highness the Maharaja of Mysore, - regarding these matters.

25. The petitioner humbly prays that Government may be pleased to see that justice is done in the matter and stay proceedings that are being - taken now in such haste till the dispute is settled in due course of Law.

BANGALORE
6-8-1925.

Petitioner.



ವಕಾಲತ್ ನಾಮು

ಹೆಚ್ಚುವರಿ ಸಹಾಯಕ ಕಮಿಷನರ್ ರವರ

ತಿಪಟೂರಲ್ಲಿ ..... ಇರುವ ಕೋರ್ಟಿಗೆ.

1925–1926ನೇ ಇಸವಿ. RA ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್
ಯಾ ಅಪ್ಪೀಲೆಂಟ್

ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್
ಯಾ ರೆಸ್ಪಾಂಡಂಟ್.

ಕೆ. ಉಡ್ಡೇಶಯ್ಯರವರು ..... ಹಾಗೂ ..... } Vs. { ..... }

ಮು॥ರಾ॥ಟಿ. ವೆಂಕಟಸುಬ್ಬಾಶಾಸ್ತ್ರಿ, ಬಿ.ಎ., ಎಲ್ಎಲ್.ಬಿ., ಅಡ್ವೊಕೇಟ್, ಇವರಿಗೆ ಹಾ
"ವಾ A R ಟಿ ಕಾಂಡಕ್ಟಿಗಾಗಿ ಕೋರ್ಟ್ RA 1821 ರ ಮಾಡಿಕೊಟ್ಟ
"ಪ್ರತಿವಾದಿ ಕೆ. ಉಡ್ಡೇಶಯ್ಯರವರಿಂದ ಬಂದ ಸಮನ್ಸು ಮೇರೆಗೆ
..... ಕರ್ತವ್ಯವಾದಿರುವುದು ಒರೆಸಿಕೊಟ್ಟ **ವಕಾಲತ್ ನಾಮು.**

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ/ನಮ್ಮ ಪರವಾಗಿ ಆಚೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ಎವಾದ ಜರಗಿಸುವ ದಕ್ಕೂ, ನನ್ನ/ನಮ್ಮ ಪರ ಆಗುವ ಎಲ್ಲಾವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ/ನಮಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಸಿಲ್ಕು ಮೊಬಲಗು, ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪುಮೊಬಲಗು, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಾಸುಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇ . ಅಲ್ಲದೆ ತಾವಾಗಲೀ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಮಾಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು/ನಾವು ಬುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿ ಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿದ್ದೇ .

ತಾರೀಖು ..... 6/8 ...1925 } ರುಜು ಕೆ. ಉಡ್ಡೇಶಯ್ಯರವರ ಹೆಬ್ಬೆಟ್ಟಿನ ಗುರುತು

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಪಟೇಲ್ ಯಾ ಶ್ಯಾನುಭೋಗ್.

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.

ಅಡ್ವೊಕೇಟು.

1627—24 ಬೆಂಗಳೂರು ಪ್ರಸ್

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GENERAL AND REVENUE SECRETARIAT.

1914.
(L. R)

File No. 31-14

Serial Nos. 4771

Papers Filed.

Month March 1915

SUBJECT.

Excess expenditure incurred in the purchase of furniture required for the inspection class for training schoolboys in the Bungalow &c

PREVIOUS REFERENCES

dR 30-13 No 50066

LATER REFERENCES

G.7 96-14 Nos 1-3, 13 July, 1915.

13/3/15